AJN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.378 OF 2006
IN
CRIMINAL WRIT PETITION NO.2348 OF 2005

Ashish Harishankar Pandey ... Applicant

Vs.

The State of Maharashtra & Ors. ... Respondents

Mr. M.B. Gawade for the applicant.

Mr. S.R. Borulkar, Public Prosecutor for the State.

CORAM : SMT. RANJANA DESAI & ANOOP V. MOHTA, JJ.

DATED : 12TH JANUARY, 2007.

P.C.:-

1. It is the case of the applicant that the respondents have committed contempt of the order of this court dated 30/8/2006.

2. We have heard the learned counsel for the applicant. He submitted that by the said order, the respondents were directed to produce the applicant before the Special Court within two weeks. He submitted that two weeks expired on 13/9/2006. However, the respondents produced the applicant in the court on 27/9/2006. He submits that the respondents are thus guilty of contempt and may be dealt with, with a stern hand.

AJN

3. Mr. Borulkar, the Public Prosecutor has drawn our attention to the affidavit of Mr. Kashinath S. Kachare, Assistant Commissioner of Police, Waghale Estate Division, Thane. Mr. Kachare has stated on affidavit that the order of this court was received by him on 8/9/2006. It is, therefore, obvious that the respondents have not followed this court's order. We are distressed to note this. However, the respondents have tendered an unconditional apology to this court for non-production of the applicant within the period prescribed by this court. Mr. Borulkar on behalf of the respondents also tendered unconditional apology to this court. In the peculiar facts and circumstances of the case, we are of the opinion that the apology tendered by the respondents is genuine and bona fide. There was no intentional breach of this court's order. We accept the apology. In view of the apology, no action needs to be taken as prayed. Application is disposed of in the aforestated terms.

[SMT. RANJANA DESAI, J.]

[ANOOP V. MOHTA, J.]